



Town of Groton, Connecticut

Meeting Minutes

Town Council

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager
(860)441-6630

Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, July 5, 2005

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor Watson.

Also present were Assistant to the Town Manager Lee Vincent, Assistant Director of Public Works Carl Almquist and Deputy Town Clerk Janet Downs.

Councilor O'Beirne and Town Manager Oefinger are absent because of the BRAC hearings in Boston.

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets, Councilor Skrmetti and Councilor Wright

Members Absent: Councilor O'Beirne, Jr.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by The Day reporter Gladys Alcedo.

III. RECOGNITION, AWARDS & MEMORIALS

2005-0194 Proclamation Recognizing Andrew James Sidlinger
Read

IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

VI. CONSENT CALENDAR

The Motion and Vote on the Consent Calendar were taken at the end of New Business.

a. Approval of Minutes

2005-0201 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council Meeting of June 21, 2005 and June 28, 2005 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

Councilor Kolnaski noted that the June 21, 2005 minutes should be corrected to reflect the fact that she attended the Fitch High School graduation of her two grandsons.

b. Deletions from the Town Council Referral List

2005-0043 Jabez Smith House Property Expansion

It was agreed that this item should not be deleted at this time.

2005-0044 Restrictions in the Deeds of Town-Owned Properties

Since later in this meeting the vote on this item was postponed until July 19, it will not be deleted at this time.

2004-0196 Conservation Easements

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2005-0121 Vandalism in Noank

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2005-0162 Project Labor Agreements

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2005-0198 Adoption of Ordinance for Fort Hill Homes Sewer Rehabilitation Project

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

c. Special Trust Fund Contributions

2005-0200 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:
CSEA Chapter 416 - \$125.00 - Library Discretionary

This Matter was Adopted on the Consent Calendar.

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilor Kolnaski attended both the Fitch Senior High and the Cutler Middle School graduations on June 21, the Parks & Recreation Volunteer Recognition barbecue on June 27, and the swearing-in ceremony for Police Chief Kelly Fogg on July 1. She also participated in the July Fourth parade. Councilor Kolnaski corrected her report of June 7, noting that the awards to student volunteers were presented not by Rotary, but by the Southeastern Connecticut Chamber of Commerce. She reported that she has been receiving booklets from contractors.

Councilor Wright received an e-mail from Lynn Marshall who lives next to Abbott's, stating that she has no objection to the buses that bring customers to Abbott's.

Councilor Bartinik received the same e-mail; he also received a communication from Lillian Erb, noting that she would favor an ordinance that distinguished between destination buses and tour buses. He received a package from Associated Builders and Contractors.

Councilor Skrmetti received the same e-mails concerning the Bus Ordinance; he received communications concerning vandalism in Noank and the whistle ban. He heard from individuals on both side of the PLA issue. Councilor Skrmetti attended the swearing-in ceremony for Chief Fogg, the July Fourth parade and the beach concert.

Councilor Bond received e-mails and calls on the Bus Ordinance. She attended the Cutler Middle School graduation and the July Fourth parade. She has received a large number of communications both for and against the PLA.

Councilor Billing received the same calls and e-mails as the other Councilors, but has received even more communications supporting a distinction between destination and tour buses.

Councilor Sheets attended the swearing-in ceremony and the July Fourth parade. She would like to see the parade include a band as well as welcoming remarks from the Mayor. Councilor Sheets noted that Dave Hale and Keith Brothers expressed their appreciation for her vote in support of

the PLA. She received the package from Associated Builders and Contractors as well as many communications on the Bus Ordinance in favor of banning vehicles over a certain size. She read the communication from Lynn Marshall, 118 Pearl Street, Noank, which recommends a distinction between tour buses and destination buses as well as limits on both size and number of buses. Councilor Sheets received a communication from Douglas Schwartz requesting another resolution on the Kelo matter. It was agreed that Councilor Sheets and Mayor Watson will review the available information on this item and make a decision on appropriate action.

The Mayor received many of the same communications as the other Councilors. He attended a City Council meeting on June 24, an Eagle Scout ceremony on June 25, the Volunteer Appreciation Day barbecue on June 27, the Coast Guard change of command for the Research and Development Center on July 1, the swearing-in ceremony for Chief Fogg on July 1, and the parade on July 4. Mayor Watson will be attending the BRAC hearing in Boston tomorrow along with Councilors Bond and Sheets.

b. Representative Town Meeting

Deputy Town Clerk Janet Downs reported that the RTM will hold its regular monthly meeting on July 13, 2005. There are several road and open space acceptance items on the agenda.

c. Clerk of the Council

No report.

d. Town Manager

Mr. Vincent reported that Town Manager Oefinger is in Boston for the BRAC hearing. He noted that the DOT will be paving Route 95 in our area starting on either July 13 or 18 and continuing into late August. He noted that Group I may not have business for a meeting next week; Group II will have a full agenda; Committee-of-the-Whole agenda does not look too full at this point.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Billing

Chairman Billing read the minutes of the meeting held on June 28, 2005 which are on file in the Town Clerk's office.

b. Economic Development - Chairman Bond

Chairman Bond read the minutes of the meeting held on June 28, 2005 which are on file in the Town Clerk's office.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting; no report.

d. Environment & Recreation - Chairman Sheets

No meeting; no report.

e. Finance - Chairman Wright

Chairman Wright read the minutes of the meeting held on June 28, 2005 which are on file in the Town Clerk's office.

f. Personnel/Appointments/Rules - Chairman O'Beirne

In the absence of Chairman O'Beirne, Councilor Sheets reported that a meeting was held; there was discussion, but no action was taken.

g. Public Safety - Chairman Skrmetti

Chairman Skrmetti read the minutes of the meeting held on June 28, 2005 which are on file in the Town Clerk's office.

h. Public Works - Chairman Bartinik

No meeting; no report.

i. Committee of the Whole - Mayor Watson

Mayor Watson noted that the two items under New Business on this agenda are the result of last week's COW meeting.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A Motion was made by Councilor Wright, seconded by Councilor Bartinik, that the following Matter be Adopted:

2005-0044 Restrictions in the Deeds of Town-Owned Properties

RESOLUTION IN AID OF TITLE TO FIVE PARCELS OWNED BY THE TOWN OF GROTON DEDICATED AND RESTRICTED TO OPEN SPACE, CONSERVATION, AND RECREATION PURPOSES IN PERPETUITY

1. In the TOWN OF GROTON there are six (6) parcels of land owned by said TOWN OF GROTON, which were purchased, in whole or in part, with the proceeds of bonds and notes authorized and issued pursuant to Bond Referendum Ordinance No. 195, an "Ordinance Appropriating \$8,000,000 for Land Acquisition for Open Space, Conservation and Recreation Purposes and Authorizing the Issue of Bonds and Notes in the Same Amount to Defray Said Appropriation", which ordinance was adopted by roll call vote of the Groton Town Council on July 5, 1988 (7 Yes; 1 No), and by roll call vote of the Groton Representative Town Meeting on August 10, 1988 (32 Yes; 3 No; 1 Abstention), and by the voters at Referendum held on November 8, 1988 (7619 Yes; 2639 No), and which provides at Section 1 thereof: "That the sum of EIGHT MILLION DOLLARS (\$8,000,000) is appropriated for acquisition of as yet undetermined parcels of land, easements, interests or rights therein or the lease thereof, for open space, conservation, and recreation purposes and the entering into of covenants and agreements with owners of such land or interests therein to maintain, improve, protect, limit the future use of or otherwise conserve such land." (Exhibit A - Certified Copy of Ordinance No. 195)

Notwithstanding such express dedication, there is no reference or restriction in the deeds to five (5) of the six (6) parcels of land to the "open space, conservation, and recreation purposes" for which the properties were purchased and to which they are dedicated by virtue of their acquisition, in whole or in part, with proceeds of bonds and notes issued and authorized under the ordinance.

2. The Town Council of the Town of Groton and the Conservation Commission of the Town of Groton are of the opinion that there ought to be some public record, particularly on the land records, of the dedication of these lands to open space, conservation and recreation, without which future generations will lose track of the fact that said properties are restricted and dedicated in their use for open space, conservation, and recreation purposes. A case in point, and an example of what did happen in the Town of Groton, is the Elihu Spicer poor farm at the top of Fort Hill. This property was deeded to the Town of Groton for the charitable use and benefit of the poor, but has been used for many years for other municipal purposes, the charitable use dedication having been completely overlooked in the development of the police station, public works garage, municipal office and public meeting complex, and, on the westerly side of Connecticut Route # 215, as a portion of the public high school premises.

3. The following parcels should be noted as having such dedication, all of them being held in the name of the TOWN OF GROTON and more particularly described below:

(a) Merritt Farm - Fort Hill. This 35-acre tract abutting the site of Fitch Senior High School along the south side of Connecticut Route 1 and Connecticut Route 215 was purchased at a cost of

\$700,000, with forty percent (40%) of the cost provided by a State of Connecticut Open Space Grant. The explanatory text authorized by the Groton Town Council by Resolution of September 6, 1988, prepared by the Town Clerk and approved by the Town Attorney pursuant to Connecticut General Statutes Section 9-369b in connection with the Referendum on Bond Ordinance No. 195 (hereinafter explanatory text) states: "Approximately 10 acres could be for expansion of high school athletic fields and Town recreation site, remaining 25 acres for passive open space and conservation of wooded hillside." The parcel, designated as Property Identification Number (PIN): 260809176052 E in the Assessor's records, was conveyed to the TOWN OF GROTON, as Grantee, by Warranty Deeds of MARY E. MERRITT, individually and as conservator of the ESTATE OF ROSCOE C. MERRITT, as Grantors, dated and recorded on January 27, 1989, as appears of record at Vol. 483, Page 370 and Vol. 483, Page 373 on the Groton Land Records, and is subject to the town's bond ordinance dedication, which restricts the uses of the parcel to open space, conservation, and recreation, and also to the covenants and agreements with the STATE OF CONNECTICUT in consideration for the state grant-in-aid, including that "said land shall not be conveyed or converted to any use other than recreation or conservation purposes (as defined in . . . Sections 7-131c through 7-131k [of the Connecticut General Statutes], as amended), except with the approval of the Commissioner of the Department of Environmental Protection as provided in Sections 7-131c through 7-131k of the Connecticut General Statutes, as amended," which covenants and agreements are incorporated in the "Dedication Agreement, Connecticut Open Space Project #415, Municipality of Groton, Merritt Property," executed by C. Richard Foote, Groton Town Manager, on behalf of the TOWN OF GROTON, dated October 9, 1990, and recorded October 15, 1990, at Vol. 519 Page 333 on the Groton Land Records. The principles of the dedication as reflected in the ordinance run with the land, are binding on the Town of Groton and its successors and assigns, should have been incorporated in the deed, and now require public acknowledgement in the land records.

(b) Mystic Community Center Property: These two parcels of land comprising 39.67 acres are situated on the easterly and westerly sides of River Road one-half mile north of Interstate Route I-95. They were purchased at a cost of \$880,000, "primarily for open space preservation and conservation of wooded site," as described to voters in the referendum's explanatory text. The parcels, designated as PIN: 271018307204 in the Assessor's records, were conveyed to the TOWN OF GROTON, as Grantee by Warranty Deed of MYSTIC COMMUNITY CENTER, INC., Grantor, dated March 3, 1989, and recorded March 6, 1989 at Vol. 485 Page 683 on the Groton Land Records. The principles of the dedication as reflected in the ordinance run with the land, are binding on the Town of Groton and its successors and assigns, should have been incorporated in the deed, and now require public acknowledgement on the land records.

(c) Kiely Property: This parcel, comprising 5.76 acres, is located on Route 117 immediately north of the town-owned Groton Senior Center and Groton Town Library. The property was acquired at a purchase price of \$225,000 as a "possible site for Community Center or other recreational facilities," as described to voters in the explanatory text. The parcel, designated as PIN: 169807794225 E in the Assessor's records, was conveyed to the TOWN OF GROTON, as Grantee, by Warranty Deed of Daniel T. Kiely, as Grantor, dated and recorded January 6, 1989, as appears of record at Vol. 482 Page 348 on the Groton Land Records. The principles of the dedication as reflected in the ordinance run with the land, are binding on the Town of Groton and its successors and assigns, should have been incorporated in the deed, and now require public acknowledgement on the land records.

(d) Noank Realty Limited Partnership Property (now The Mortimer Wright Nature Preserve): This parcel of land comprising 75.67 acres is located on the northerly side of Groton Long Point Road (Connecticut Route 215) in the Eccleston Brook Watershed. The parcel, designated as PIN: 260810464208 E in the Assessor's records, was conveyed to the TOWN OF GROTON, as Grantee, by Warranty Deed of NOANK REALTY LIMITED PARTNERSHIP, as Grantor, dated and recorded January 30, 1989, as appears of record at Vol. 494 Page 593 on the Groton Land

Records. On April 16, 1991, the Groton Town Council adopted "Resolution Naming Town-Owned Open Space Property 'The Mortimer Wright Nature Preserve,'" which named this parcel The Mortimer Wright Nature Preserve in honor of Mortimer D. Wright, a long-time resident of the Town of Groton who devoted a significant part of his life to community service on the state and local levels. The principles of the dedication as reflected in the ordinance run with the land, are binding on the Town of Groton and its successors and assigns, should have been incorporated in the deed, and now require public acknowledgement on the land records.

(e) Burrows Field: This tract, comprising 14.6 acres, is located on the north side of Fort Hill Road (U.S. Route 1) approximately 1,200 feet east of New Town Road (Connecticut Route 117). The parcel, designated as PIN: 169808982224 E in the Assessor's records, was conveyed to the TOWN OF GROTON, as Grantee, by Warranty Deed of BELTON A. BURROWS, as Grantor, dated and recorded January 25, 1991, as appears of record at Vol. 523 Page 189 on the Groton Land Records. This parcel has been extensively developed as recreational playing fields and is now known as Poquonnock Plains Park. The principles of the dedication as reflected in the ordinance run with the land, are binding on the Town of Groton and its successors and assigns, should have been incorporated in the deed, and now require public acknowledgement on the land records.

4. A sixth parcel, known as the Copp Property, a 240 acre tract situated on the south side of Connecticut Route 184, west of Connecticut Route 117 and east of Buddington Road, was purchased with bonds and notes authorized and issued under Ordinance No. 195. Valued at \$4.5 million, the property was conveyed to the TOWN OF GROTON, as Grantee, by Warranty Deeds of seven members of the Copp family, BELTON A. BURROWS, WARREN A. BURROWS, BELTON A. COPP, DANIEL NOYES COPP, JOSEPH A. COPP, BETSEY C. HALSEY, and BARBARA C. WILSON, as Grantors, at a cost to the Town of Groton of Three Million (\$3,000,000) Dollars, with the owners making a gift to the town of the \$1.5 million difference. The deeds, which are recorded at Vol. 482 Pages 688 et seq, on the Groton Land Records, incorporate by reference the AGREEMENT OF LAND RESTRICTIONS AND COVENANTS, executed by the parties and recorded at Vol. 482 Page 682 in the Groton Land Records, which Agreement restricts the use of the property to the open space, conservation and recreation uses authorized and set forth in Ordinance No. 195. A Contract of Sale executed by the parties is recorded at Vol. 482 Page 774. As described to voters in the explanatory text to the bond ordinance referendum: "Town would agree to oversight board similar to Friends of Pequot Woods. Possible uses include future Town Wide Park, conservation of wooded and wetland areas; protection of reservoir located on west and south of site."

5. The facts set forth herein relate to the capacity in which the TOWN OF GROTON took and holds these lands in trust subject to their dedication to open space, conservation and recreation, and seek to clarify on the land records those purposes for which these lands were purchased and are dedicated in order to forestall and prevent any future use inconsistent with the dedication of such lands that would constitute the happening of any condition or event that may terminate the estate or interest of said TOWN OF GROTON in such lands.

6. This instrument shall be recorded on the Land Records of the Town of Groton.

Adopted by the Groton Town Council on _____, _____, 2005.

Councilor Wright noted three minor changes in the language of the resolution (reflected in the version printed here); she also gave background information and summarized the referral and its intent.

A Motion was made by Councilor Billing, seconded by Mayor Watson, that the Matter be Amended to read as follows:

2005-0044 Restrictions in the Deeds of Town-Owned Properties

RESTRICTIONS IN THE DEEDS OF TOWN-OWNED PROPERTIES

RESOLVED, that the Town Manager be authorized to sign, and to put on the respective land records the following statements:

The Mystic Community Center Property. Was conveyed to the Town of Groton on March 3, 1989, and recorded on March 6, 1989 at Vol. 485 Page 683 on the Groton Land Records. This property was purchased in whole, or in part, with funds generated by a bond ordinance for "open space, conservation and recreation" and "to maintain, improve, protect, limit the future use of or otherwise conserve such land". The explanatory text for the MCC property also included the language: "primarily for open space preservation and conservation of wooded site".

Kiely Property. Was conveyed to the Town of Groton on January 6, 1989 and recorded at Vol. 482 Page 348 on the Groton Land Records. This property was purchased in whole or in part with funds generated by a bond ordinance for "open space, conservation and recreation" and "to maintain, improve, protect, limit the future use of or otherwise conserve such land". The explanatory text further stated that the Kiely property was being purchased as a "possible site for a Community Center or other recreational facilities".

The Noank Realty Limited Property. Was conveyed to the Town of Groton on Jan 30 1989 and recorded at Vol. 494 Page 593 on the Groton Land Records. This property was purchased in whole or in part with funds generated by a bond ordinance for "open space, conservation and recreation" and "to maintain, improve, protect, limit the future use of or otherwise conserve such land." On April 16, 1991 the Town Council renamed the property the "Mortimer Wright Nature Preserve" as part of a resolution that also named it as "Town Owned Open Space Property. "

Burrows Field. Was conveyed to the Town of Groton on January 25, 1991 and recorded at Vol. 523 Page 189 on the Groton Land Records. This property was purchased in whole or in part with funds generated by a bond ordinance for "open space, conservation and recreation" and "to maintain, improve, protect, limit the future use or otherwise conserve such land". This parcel is now known as Poquonnock Plains Park and is used for recreational purposes.

Discussed

Councilor Billing noted that while she supports the intent of the resolution, she has concerns about the form and language of this item. She added that the Town Attorney had the same concerns, and that his comments in general were not positive. Councilor Billing quoted from the Town Attorney's comments, noting that specifically, two of the properties already have restrictions contained in the deeds, and further comment on these two properties is neither necessary nor desirable. Councilor Billing distributed the amended version of the resolution.

Councilor Kolnaski noted that she is not ready to vote on this item.

Councilor Skrmetti stated that he has a problem with revising an ordinance that was passed by a Council seventeen years ago. He feels that if this is done at all, it should be simple and clear. He cannot support the main motion and he is unsure about the amendment.

The Mayor declared a recess from 8:15 to 8:20 to allow Councilors to review the resolution and the amendment.

The Mayor noted that he could support the amendment, since it is simpler to understand.

A motion was made by Councilor Wright, seconded by Councilor Sheets, that this matter be Postponed to a Certain Time to the Town Council.

The vote on this item would be postponed to July 19, 2005.

Councilor Billing explained that in drafting the amendment, she tried to keep as much of the language from both Councilor Wright's resolution and the ordinance as possible and to include language specific to the four properties not cited by the Town Attorney as already having restrictions.

The motion carried unanimously.

2005-0198

Adoption of Ordinance for Fort Hill Homes Sewer Rehabilitation Project

ADOPTION OF ORDINANCE APPROPRIATING \$6,381,200 FOR FORT HILL HOMES SEWER REHABILITATION PROJECT AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of SIX MILLION THREE HUNDRED EIGHTY-ONE THOUSAND TWO HUNDRED DOLLARS (\$6,381,200) is appropriated for rehabilitation of the Fort Hill Homes sanitary sewer system. The project shall include installation of approximately 19,700 linear feet of cured-in-place lining of existing 8-inch to 18-inch sewer pipe, cementitious lining of approximately 104 existing concrete manholes, and approximately 19 new concrete manholes; and replacement with new 6-inch PVC pipe and/or installation of cured-in-place lining of approximately 32,400 linear feet of existing 4-inch lateral pipes. The Town Council may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified. The appropriation may be spent for design and construction costs, equipment, materials, easement acquisition, site improvements, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing.

Section 2. That the Town issue bonds or notes or obligations in an amount not to exceed SIX MILLION THREE HUNDRED EIGHTY-ONE THOUSAND TWO HUNDRED DOLLARS (\$6,381,200) to finance the appropriation for the project. The amount of bonds or notes or obligations authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes or obligations shall be issued pursuant to Section 7-259 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes or obligations and all notes and interim funding obligations issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes or obligations that in each year while any such bonds or notes or obligations are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town, other than properties within the City of Groton, in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes or obligations as the same become due and payable.

Section 3. That the Town issue and renew temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or obligations for the project. The amount of the notes or obligations outstanding at any time shall not exceed SIX MILLION THREE HUNDRED EIGHTY-ONE THOUSAND TWO HUNDRED DOLLARS (\$6,381,200). The notes or obligations shall be issued pursuant to Section 7-264 and 7-378 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Sections 7-378a and 7-378b of the General Statutes with respect to any notes that do not mature within the time permitted by said Sections 7-264 or 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect to any obligations.

Section 4. That the Town Council shall determine the amount of bonds, notes or obligations authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes or interim funding obligations authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes or obligations by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes or obligations. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes or obligations; to provide for the keeping of a record of the bonds or notes or obligations; to designate

one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes or obligations; to designate a financial advisor to the Town in connection with the sale of the bonds or notes or obligations; to sell the bonds or notes or obligations at public or private sale; to deliver the bonds or notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds or notes or obligations.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes or obligations authorized by this resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes or obligations to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes or obligations.

Section 7. That the Town Manager, on behalf of the Town, is authorized to apply for and accept state grants to finance the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State. The Town Manager, the Director of Finance and the Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

Section 8. That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures and any easement acquisition costs incurred for the sewer project; and to contract with engineers, contractors and others on behalf of the Town for said sewer project. All such authority is subject to the provisions of Section 1.

Section 9. That the Town Manager, the Director of Finance, the Water Pollution Control Authority and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes or obligations to finance the aforesaid appropriation.

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes and obligations to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Refer to RTM.

A motion was made by Mayor Watson, seconded by Councilor Kolnaski, that this matter be Adopted and Referred to the Representative Town Meeting, due back on August 10, 2005.

Mr. Vincent gave a history of this item up to this point. He added that as a precaution due to CGS 8-24, staff decided to have the Planning Commission act on the ordinance. Accordingly, the Planning Commission met prior to this Council meeting and approved the ordinance by a vote of 5-0. The record of the Planning Commission meeting will be included in the official file of the ordinance.

Councilor Sheets has supported this project from the start, but now has reflected on her decision, since one of the members of the WPCA opposed the project. The member, whose credentials she

felt gave weight to his opinion, suggested that the completion of this project may eliminate the conditions that dictate the necessity for expansion of the treatment plant. The same issue exists with Navy off-base housing.

In response to Councilor Sheets' concern about the method of funding for this project (benefit assessment versus sewer use fees), Councilor Wright drew attention to the specific language of the ordinance regarding this issue.

Citing the results of dye tests conducted in this area, Councilor Bond noted that this project needs to be done.

Assistant Director of Public Works Carl Almquist spoke about the tests which indicate that there is some exchange of material between the sanitary sewer system and the storm water drainage system.

Councilor Billing spoke in support of going forward with this project to be funded by sewer use fees levied on all Town properties.

Mr. Vincent drew the Councilors' attention to the fact that the Council recently passed a statement of policy that this should be funded through sewer use fees.

Councilor Kolnaski expressed the opinion that this should be taken care of now.

Councilor Wright explained the concept of benefit assessment as opposed to the cost of tie-in to the main sewer line.

Councilor Sheets clarified that she does support the re-lining of the Poquonnock Bridge sewer lines to protect the Poquonnock River, but she believes that the question of the expansion of the sewer plant should be revisited. Repairs to the Poquonnock Bridge and Navy Housing sewer lines could eliminate the needless treating of groundwater, making expansion of the sewer plant unnecessary. She would still favor denitrification. Councilor Sheets believes that the cost of re-lining laterals should be borne by the individual homeowners.

Councilor Bond stated that it was explained to her that this is considered a repair; this is the reason that the project is being paid for by the Town as a whole rather than by the individual homeowners. She feels that it is prudent to make repairs to both sewer lines and laterals in this area as well as in other areas of Town as it becomes necessary.

Councilor Wright objects to the method of financing this project; she believes that the financing plan should include a benefit assessment on the properties benefited by what has been described by the consultants as a replacement project. She feels that it is a serious departure from precedent for the public to bear the expense of relining tie-ins across private property from the street lines to the structure. Councilor Wright will abstain on this vote.

Councilor Skrmetti pointed out that these homes are already tied into the sewer; property values will not be affected by the repairs. This is a system improvement that should be funded by usage fees.

The motion carried by the following vote:

Votes: In Favor: 7 - Mayor Watson, Councilor Bartinik, Jr., Councilor Billing, Councilor Bond, Councilor Kolnaski, Councilor Sheets and Councilor Skrmetti
Abstain: 1 - Councilor Wright

2005-0209 Water Pollution Control Facility Expansion

WATER POLLUTION CONTROL FACILITY EXPANSION

This matter was Referred to the Town Council Public Works Committee. The motion carried.

This referral was requested by Councilor Sheets.

VOTE ON CONSENT CALENDAR

Passed The Consent Calendar

A motion was made by Councilor Skrmetti, seconded by Councilor Bartinik, Jr., to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried unanimously.

XI. OTHER BUSINESS

None.

XII. ADJOURNMENT

A motion to adjourn at 8:55 p.m. was made by Councilor Billing, seconded by Councilor Bartinik and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*

Janet L. Downs, Deputy Town Clerk